

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Wednesday, July 9, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Board members Mark D. Kinser, Chairman, Charles W. Falwell, Kenneth W. Hart, Jim Hollar, Robert M. Kirby, Anthony Orange, William Paulette, Michael D. Redifer and Dorothy Wood were present.

Board members Robert O. Burch, Jr., David O. Harris, Sr., Robert M. McDowell, and Jennifer Parrish were not present.

The following members of DPOR staff were also present during some or all of the meeting:

Louise Fontaine Ware, Director, Eric L. Olson, Executive Director, Contractors, Sheila Watkins, Administrative Assistant, Contractors, Jennifer Kazzie, Assistant Director of Adjudication, Enforcement, James Guffey, Director of Enforcement, Kimberly Freiburger, Regulatory Boards Administrator and Victoria Traylor, Legal Assistant.

Chairman Robert Kinser called the meeting to order at 9:15 a.m. and declared that a quorum of board members were in attendance.

**Call
To Order**

A motion was made by Mr. Falwell and seconded by Mr. Orange that the agenda be approved. The motion passed unanimously. Members voting “Yes” were Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. There were no negative votes. The agenda was approved.

**Approval of
the Agenda**

A motion was made by Mr. Redifer and seconded by Mr. Kirby that the minutes of the meeting held May 28, 2003 (with a correction on page 21 of the minutes line 26 changing a word to read **egregious**) and the IFF meetings held **June 3, 2003, June 10, 2003, June 11, 2003 and June 17, 2003 be approved.** The motion passed with a unanimous vote. Members voting “Yes” were Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained.

**Approval of
Minutes
Board 5/28/03
and IFF 6/3,
10, 11 and 17
2003**

There were no negative votes. The minutes were approved with the correction.

Chairman Kinser asked the members of the public whether they had any comments.

Mr. Dwight Sneed Jr., Vice President of Virginia Advocacy Group for Minority Small Business spoke. He shared with the Board how contractors were suffering from slow payers.

**Public
Comment
Period**

Eric Olson, Executive Director Board for Contractors introduced new Board member, Dorothy Wood of J D & W, Inc. Virginia Beach and Kimberly Freiburger, Regulatory Boards Administrator.

**Board
Member /
Staff
Introduc-
tions**

In the matter of File Number 2002-02002, Jerry E Sweeney, t/a J & D Development Co, the board reviewed the **Disciplinary File Record # 2002-02002**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Jerry E Sweeney (Respondent); Peggy Otey-Marshall, Witness; Lori Belanger, Complainant participated in the IFF by telephone. Neither party appeared at the Board meeting in person or by counsel or by any other qualified representative. Mr. Harris was absent and did not vote. Upon a motion by Mr. Redifer and seconded by Mr. Hart, the board adopted the summary and incorporated it as a part of the order. The Board found clear and convincing evidence that J & D Development CO violated the following sections of its 2001 Regulations: Count I 18 VAC 50-22-260 (B)(17). The motion passed with a unanimous vote. Members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

Upon a motion by Mr. Redifer and a second by Mr. Falwell the board imposed no sanction for the violation 18 VAC 50-22-260(B)(17). The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

**6(4)
File
2002-02002
J & D
Development
CO**

In the matter of File Number 2002-01576, Keith Leathers, t/a Leathers & Sons Construction, the board reviewed the **Disciplinary file Record # 2002-01576**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Keith Leathers attended the IFF but he, a representative nor counsel were present at the Board meeting. Ms. Jan Wilmer complainant was present and she addressed the Board voicing her agreement with the hearing officer's summary and

**6 (2)
File
2002-01576
Leathers &
Sons Const -
ruction**

recommendation. She did not attend the IFF hearing. Mr. Hollar recused himself and did not vote. Upon a motion by Mr. Hart and seconded by Mr. Redifer, the board accepted the hearing officer's recommendation and found clear and convincing evidence that Keith Leathers violated the following sections of its 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-260(B)(1), to with Section 54.1-1103 of the Code of Virginia (contracting without a license); Count 3: 18 VAC 50-22-260(B)(6), (failure to obtain a building permit); Count 4: 18 VAC 50-22-260(B)(6) (failure to obtain the HVAC permit); Count 5: 18 VAC 50-22-260(B)(23); Count 6: 18 VAC 50-22-260(B)(12). The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion for the sanctions by Mr. Redifer and seconded by Mr. Falwell, the board accepted the hearing officer's recommendation with amendments and imposed the following penalties. Count 1: 18 VAC 50-22-260(B)(8); \$300.00 ; Count 2: 18 VAC 50-22-260(B)(1), to with Section 54.1-1103 of the Code of Virginia (contracting without a license) \$1,000.00 and mandatory completion of the Board's Basic Contracting Licensing Class (remedial education) failure to do so will result in the automatic imposition of license revocation; Count 3: 18 VAC 50-22-260(B)(6), (failure to obtain a building permit) \$1,000.00; Count 4: 18 VAC 50-22-260(B)(6) (failure to obtain the HVAC permit) \$1,000.00; Count 5: 18 VAC 50-22-260(B)(23) \$1,000.00; Count 6: 18 VAC 50-22-260(B)(12) \$2,500.00 for a total of \$6,800.00 with license revocation for Counts 5 and 6. Due to the severity of the violations the Board increased the monetary penalties for the following counts: Count 3 from \$75.00 to \$1,000., Count 4 from \$75. to \$1,000.; Count 5 from \$25. to \$1,000. and Count 6 from \$750. to \$2,500. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

In the matter of File Number 2003-00598, Recovery Fund Act Claim by Hugh and Sadie R Swanston (Claimant) v. Roof Works Inc (Regulant) t/a Roof Works Inc.; the board reviewed the recovery fund record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Springle appeared before the board voicing his disagreement with the hearing officer's recommendation. Mr. Springle shared he worked with the company and was a commission salesman only. Mr. Orange the hearing officer recused himself and did not vote. Mr. Redifer offered a motion to accept the hearing officer's summary and recommendation to pay the claim in the amount of **\$4,482.00** and that was seconded by Mr. Paulette. The payment of the claim is based on the Judgment of \$3,700., court costs for \$42.00 plus \$740. for attorney fees. The judgment order recites "the

**6(33)
File
2003-00598
Roof Works,
Inc.**

defendant failed to perform certain work on the plaintiffs' residence together with retention of all funds, constitutes improper and dishonest conduct, per §54.1-1118, Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

In the matter of File Number 2003-00350, Recovery Fund Act Claim by Cathy & Louis Brodnax (Claimants) v. Gary D Couch & Bryce B. Austin (Regulant) t/a Urban Development GP/Residential Redevelopment; the board reviewed the recovery fund record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary. Cathy and Louis Brodnax appeared before the board voicing their agreement with the hearing officer's recommendation. They also appeared at the IFF. David Bowles attorney for the Respondents shared with the Board that his client disagrees with the decision of the hearing officer. Mr. Barry Couch and Mr. Julian Zeigler also addressed the Board concerning their disagreement with the decision to make payment. They also attended the IFF. Mr. Orange the hearing officer recused himself and did not vote. Mr. Paulette offered a motion to accept the hearing officer's summary and recommendation to pay the claim in the amount of **\$7,686.00** and that was seconded by Mr. Kirby. The payment of the claim is based on the Warrant in Debt which recites fraud, improper and dishonest conduct, per §54.1-1118 of the Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

**6(34)
File
2003-00350
Urban
Development
GP
Residential**

In the matter of File Number 2002-03379, Robert Vincent Hartnett, Jr., t/a General Home Improvement CO, the board reviewed the **Consent Order file Record # 2002-03379**, which consisted of the transcript, exhibits from the IFF, and the presiding Consent Order. Mr. Hartnett attended the Board meeting and addressed his concerns of disagreement and shared with the Board that he was out of state and could not attend the IFF to provide information he felt needed to be considered. Richard and Ann Moore attended the IFF and expressed their views. Ms. Parrish was absent and did not vote. Upon a motion by Mr. Paulette and seconded by Mr. Kirby, the board agreed to defer the case to the August 20, 2003 Board hearing. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Hollar and Mr. Redifer. Ms. Wood abstained. The motion carried.

**6(35)
File
2002-03379
General
Home
Improvement
CO**

In the matter of File Number 2002-03008, Kenneth Dwayne Blankenship t/a Homework Improvements, Disciplinary Record File, the board reviewed the **Record # 2002-03008**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Kenneth Dwayne Blankenship did not appear at the Board meeting in person, or by counsel, or by any other qualified representative. Mrs. James Cox complainant did not appear at the Board meeting but she and Mr. Cox participated in the IFF. Mr. Redifer recused himself and did not vote. Upon a motion by Mr. Hart, seconded by Mr. Hollar, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that Kenneth Dwayne Blankenship violated the following sections of its 2001 Regulations: Count 1: 18 VAC 50-22-260(B)(30) ; Count 2: 18 VAC 50-22-260(B)(9). The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Hollar. Ms. Wood abstained. The motion carried. Upon a motion by Mr. Hart, seconded by Mr. Hollar, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(30); \$500.00 and for Count 2: 18 VAC 50-22-260(B)(9); \$250.00. and completion of Remedial Education. The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Hollar. Ms. Wood abstained. The motion carried.

**6 (36)
File
2002-03008,
Kenneth
Dwayne
Blankenship
Homework
Improve-
ments**

In the matter of File Number 2003-02502, Cedric Hamilton t/a G P Home Improvement, Licensing File, the board reviewed the **Record # 2003-02502**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **Cedric Hamilton** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Redifer** recused himself and did not vote. Upon a motion by **Mr. Falwell**, seconded by **Mr. Hollar**, the board voted to accept the recommendation and grant **Mr. Hamilton** a license. The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Hart, Mr. Paulette, Mr. Hollar, Mr. Orange, Mr. Kinser and Mr. Kirby. **Ms. Wood abstained.** The motion was carried.

**6(38)
File
2003-02502
Cedric
Hamilton t/a
G P Home
Improvement
& Cleaning**

In the matter of File Number 2002-03617, Lawrence L Fenzel t/a Maintenance & Construction, Disciplinary Record File, the board reviewed the **Record # 2002-03617**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Lawrence L Fenzel** did not appear at the Board meeting in

**6(1)
File
2002-03617
Maintenance
&**

person, but he was represented by counsel, Mr. Robert Ballou. He shared with the Board Mr. Fenzel's disagreement with the recommendation. . **Mr. Harris** was absent and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Lawrence L Fenzel** violated the following sections of its **1999 Regulations: Count 1:** 18 VAC 50-22-230(A) ; **Count 2:** 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting "**Yes**" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Redifer and Mr. Hollar. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-230(A); **\$250.00** and for **Count 2:** 18 VAC 50-22-260(B)(6); **\$250.00. for a total monetary penalty of \$500.00.** The motion passed with a unanimous vote. Those members voting "**Yes**" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Hollar. Ms. Wood abstained. Mr. Harris was absent and did not vote. The motion carried.

Construction

In the matter of File Number 2002-02434, Roy M Gomez t/a RMG Construction, Disciplinary Record File, the board reviewed the **Record # 2002-02434**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Roy M Gomez** did appear at the Board meeting expressed his agreement with the recommendation. . **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Roy M Gomez** violated the following sections of its **1999 and 2001 Regulations: Count 1:** 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1103 of the Code of Virginia ; **Count 2:** 18 VAC 50-22-260(B)(8); **Count 3:** 18 VAC 50-22-260(B)(6) (Effective September 1, 2001) . The motion passed with a unanimous vote. Those members voting "**Yes**" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1103 of the Code of Virginia; **\$250.00. Count 2:** 18 VAC 50-22-260(B)(8); **\$100.00. Count 3:** 18 VAC 50-22-260(B)(6); **\$50.00 for a total monetary penalty of \$400.00.** The motion passed with a unanimous vote. Those members voting "**Yes**" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

6 (13)
File
2002-02434
RMG
Construction

In the matter of File Number 2002-02433, Roy M Gomez t/a RMG Construction, Disciplinary Record File, the board reviewed the **Record # 2002-02433**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Roy M Gomez** did appear at the Board meeting expressed his agreement with the recommendation. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Roy M Gomez** violated the following sections of its **2001 Regulations: Count 1:** 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1103 of the Code of Virginia ; **Count 2:** 18 VAC 50-22-260(B)(9); **Count 3:** 18 VAC 50-22-260(B)(6) . The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Falwell**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(1), **\$250.00. and the mandatory completion of the Board's Basic Contracting Licensing Class (remedial education) failure to comply with the terms will result in the automatic imposition of license revocation. Count 2:** 18 VAC 50-22-260(B)(9); **\$100.00. Count 3:** 18 VAC 50-22-260(B)(6); **\$50.00 for a total monetary penalty of \$400.00.** The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

6 (14)
File
2002-02433
RMG
Construction

In the matter of File Number 2002-01871, Roy M Gomez t/a RMG Construction, Disciplinary Record File, the board reviewed the **Record # 2002-01871**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Roy M Gomez** did appear at the Board meeting expressed his agreement with the recommendation. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Kirby**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Roy M Gomez** violated the following sections of its **1999 Regulations: Count 1:** 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1103 of the Code of Virginia (entering into a contract outside the limits of a Class C license) ; **Count 2:** 18 VAC 50-22-260(B)(8). The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows:

6 (16)
File
2002-01871
RMG
Construction

The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(1), **\$250.00.** and the Board noted Mr. Gomez was already required to complete (remedial education) for file 2002-02433 failure to comply with the terms will result in the automatic imposition of license revocation. **Count 2:** 18 VAC 50-22-260(B)(8); **\$100.00.** for a total monetary penalty of **\$350.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

In the matter of File Number 2001-00319, Master Distributors Inc. t/a United Remodelers, Disciplinary Record File, the board reviewed the **Record # 2001-00319**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **James Tucker, President of Master Distributors** did appear at the Board meeting and the IFF and expressed his agreement and disagreement with the recommendation. Thomas Gays, Attorney appeared before the Board and spoke. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Paulette**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Master Distributors Inc** violated the following sections of its **Regulations effective March 31, 1995:** **Count 1:** Section 5.7.B.6 (failure to meet contract terms); **Count 2:** Section 5.7.B.6 (improper installation of materials); **Count 3:** Section 5.7.B.11 and **Count 4:** Section 5.7.B.6 (failure to adhere to the estimate contract start date) . The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Redifer with an amendment by Mr. Paulette**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1, 2 and 4 the Board closed with a finding of no violation:** **Count 3:** Section 5.7.B.11 the Board amended the penalty from \$800 to **\$400.00 for a total monetary penalty of \$400.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

6 (20)
File
2001-00319
United
Remodelers

In the matter of File Number 2002-00120, Master Distributors Inc. t/a United Remodelers, Disciplinary Record File, the board reviewed the **Record # 2002-00120**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **James Tucker, President of Master Distributors** did appear at the Board meeting and the IFF and expressed his agreement and disagreement with

6 (21)
File
2002-00120
United
Remodelers

the recommendation. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the violations as follows: The Board voted to close the file for **Master Distributors Inc with a finding of no violation of its Regulations effective May 31, 1999: Count 1: 18 VAC 50-22-260(B)(6)**. The motion passed with a unanimous vote. Those members voting **“Yes”** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Paulette**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the sanctions as follows: The Board: **closed Count 1 with a finding of no violation**. The motion passed with a unanimous vote. Those members voting **“Yes”** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

In the matter of File Number 2002-02017, Bruce Keaton (Complainant) v. Bruce Locklear (Regulant). t/a Locklear Homes, Inc., Disciplinary Record File, the board reviewed the **Record # 2002-02017**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Bruce Keaton, complainant appeared before the Board and expressed his disagreement. Robert Goodall for Bruce Locklear (Regulant)**, did appear at the Board meeting and the IFF and expressed his agreement with the recommendation. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board voted to close the file for **Locklear Homes, Inc with a finding of no violation of its Regulations effective May 31, 1999: Count 1: 18 VAC 50-22-260(B)(5)**. The motion passed with a vote of **2 “no” Mr. Orange and Mr. Redifer and a vote of 5 “Yes” Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Kirby and Mr. Paulette with Ms. Wood abstaining. The motion carried.** Upon a motion by **Mr. Paulette**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board: **closed Count 1 with a finding of no violation**. The motion passed with a vote of **2 “no” Mr. Orange and Mr. Redifer and a vote of 5 “Yes” Mr. Falwell, Mr. Hart, Mr. Kinser, Mr. Kirby and Mr. Paulette with Ms. Wood abstaining. The motion carried.** Mr. Hollar recused himself and did not vote.

6 (15)
File
2002-02017
Locklear
Homes, Inc.

In the matter of File Number 2003-00809, Bath & A Half, Inc. t/a Bath & A Half, Inc., Disciplinary Record File, the board reviewed the **Record # 2003-00805**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Degner expressed his agreement and disagreement with** the Board's recommendation. Mr. George Hamar, Complainant did not attend the Board meeting but was represented by a handout he submitted. **Mr. Kinser** recused himself and did not vote and Mr. Paulette chaired this case. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Bath & A Half Inc** violated the following sections of its **September 1, 2001 Regulations:** **Count 1:** 18 VAC 50-22-260(B)(9)); **Count 2:** 18 VAC 50-22-260(B)(10); **Count 3:** 18 VAC 50-22-260(B)(15) **Count 4:** 18 VAC 50-22-260(B)(15); (failure to comply with the terms of a contract) **Count 5:** 18 VAC 50-22-260(B)(16); **Count 6:** 18 VAC 50-22-260(B)(6); **Count 7:** 18 VAC 50-22-260(B)(5);. **Count 8:** 18 VAC 50-22-260(B)(17). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1,** 18 VAC 50-22-260(B)(9)); **\$200.00** **Count 2:** 18 VAC 50-22-260(B)(10); **closed with no violation.** **Count 3:** 18 VAC 50-22-260(B)(15) **\$1,000.00. plus mandatory completion of Remedial Education within six months or failure to comply with the terms will result in the automatic imposition of license revocation.** **Count 4:** 18 VAC 50-22-260(B)(15); (failure to comply with the terms of a contract) **\$250.00.** **Count 5:** 18 VAC 50-22-260(B)(16); **\$1,000.00.** **Count 6:** 18 VAC 50-22-260(B)(6) **\$500.00;** **Count 7:** 18 VAC 50-22-260(B)(17 **\$500);** **Count 8** 18 VAC 50-22-260-(Bz0(17) **closed with a finding of no violation for a total monetary penalty of \$3,450.00.** The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Kinser recused himself and did not vote. The motion carried.

6 (27)
File
2003-00809
Bath & A
Half, Inc.

In the matter of File Number 2003-02700, Willis Rudolph Evans t/a Evans Concrete & Remodeling Application for Class C Contractor's License the board reviewed the record which consisted of the **Licensing Record # 2003-02700**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Willis Evans attended the meeting and addressed the board voicing his agreement with the recommendation. Mr. Hollar recused himself and did not vote. Upon a motion by Mr. Redifer and seconded by Mr. Hart the Board adopted the hearing officer's recommendation and granted a Class C license to Mr. Evans. The motion

6 (10)
File
2003-02700
Evans
Concrete &
Remodeling

passed with a unanimous vote. Members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried.

In the matter of File Number 2003-02500, Darin Thomas Conner Application for Tradesman License the board reviewed the record which consisted of the **Licensing Record # 2003-02500**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. **Darin Thomas Conner** attended the meeting and addressed the board voicing his agreement with the recommendation. **Mr. Harris** was absent and did not vote. Upon a motion by **Mr. Redifer** and seconded by **Mr. Falwell** the Board adopted the hearing officer's recommendation and granted a **Tradesman** license to **Mr. Conner**. The motion passed with a unanimous vote. Members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Hollar and Mr. Redifer. Ms. Wood abstained. The motion carried.

6 (3)
File
2003-02500
Darin
Thomas
Conner

In the matter of File Number 2002-02411, Derek Dwayne Fletcher Application for Tradesman License the board reviewed the record which consisted of the **Licensing Record # 2002-02411**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. **Derek Dwayne Fletcher** attended the meeting and addressed the board voicing his agreement with the recommendation. **Mr. McDowell** was absent and did not vote. Upon a motion by **Mr. Falwell** and seconded by **Mr. Kirby** the Board adopted the hearing officer's recommendation and granted a **Tradesman** license to **Mr. Fletcher**. The motion passed with a unanimous vote. Members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, Mr. Hollar and Mr. Redifer. Ms. Wood abstained. The motion carried.

6 (32)
File
2002-02411
Derek
Dwayne
Fletcher

In the matter of File Number 2002-02595, Fetterolfs Well Drilling LLC t/a Fetterolfs Well Drilling LLC., Disciplinary Record File, the board reviewed the **Record # 2002-02595**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Ms. Jeannie N Abbott (complainant)** expressed her agreement with the Board's recommendation. **Fetterolfs Well Drilling LLC** did not appear at the Board meeting in person by counsel or by any other qualified representative. **Mr. Kinser** recused himself and did not vote and Mr. Paulette chaired this case. Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations as follows: The Board found clear and convincing evidence that **Fetterolfs Well Drilling LLC** violated the following sections of its **May 1, 1999 Regulations: Count 1:** 18 VAC 50-22-260(B)(8)); **Count 2:** 18 VAC 50-22-230(A); **Count 3:** 18 VAC 50-22-260(B)(6); **Count 4:** 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting “Yes” were: Mr.

6(24)
File
2002-02595
Fetterolfs
Well Drilling
LLC.

Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-260(B)(8)); **\$1,00.00** **Count 2**: 18 VAC 50-22-230(A); **\$500.00**. **Count 3**: 18 VAC 50-22-260(B)(6) **\$2,500.00**. **and the imposition of license revocation; Count 4**: 18 VAC 50-22-260(B)(6) **\$2,500.00**. **and the imposition of license revocation for a total monetary penalty of \$6,500.00**. The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Kinser recused himself and did not vote. The motion carried.

In the matter of File Number 2003-02507, Excel Masonry Inc Class A Contractor Licensing File, the board reviewed the **Record # 2003-02507**, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. **James Hardbower** appeared before the board and voiced his agreement with the hearing officer's recommendation. He also appeared at the IFF meeting. **Mr. Harris** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation and grant **Excel Masonry Inc** a license. The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Hart, Mr. Paulette, Mr. Hollar, Mr. Orange, Mr. Redifer, Mr. Kinser and Mr. Kirby. **Ms. Wood abstained**. The motion was carried.

6 (2)
File
2003-02507
Excel
Masonry Inc

The Board took a break from 11:59 AM to 12:10 PM.

In the matter of File Number 2002-02655, Thomas Anderson Harlow, Sr. t/a Harlow Construction, Disciplinary Record File, the board reviewed the **Record # 2002-02655**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Harlow** attended the IFF but he did not appear at the Board meeting in person or by counsel or by any other qualified representative. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Thomas Anderson Harlow, Sr.** violated the following sections of its **2001 Regulations**: **Count 1**: 18 VAC 50-22-260(B)(9)); **Count 2**: 18 VAC 50-22-260(B)(1), to wit: §54.1-1103 Code of Virginia; **Count 3**: 18 VAC 50-22-260(B)(6); **Count 4**: 18 VAC 50-22-260(B)(27); **Count 5**: 18 VAC 50-22-260(B)(6). The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr.

6 (12)
File
2002-02655
Harlow
Construction

Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Orange**, the board voted to accept the recommendation with an amendment for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-260(B)(9)); **\$250.00** **Count 2**: 18 VAC 50-22-260(B)(1) to wit: §54.1-1103 Code of Virginia; **\$1,000.00 and mandatory completion of Remedial Education. Count 3**: 18 VAC 50-22-260(B)(6) **\$250.00; Count 4**: 18 VAC 50-22-260(B)(27) **\$1,000.00 (increased from \$500.00 due to the severity of the violation); Count 5**: 18 VAC 50-22-260(B)(6) **\$500.00 (increased from \$500.00 due to the severity of the violation for a total monetary penalty of \$3,000.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

In the matter of File Number 2002-01274, Keith Leathers t/a Leathers & Sons Construction, Disciplinary Record File, the board reviewed the **Record # 2002-01274**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Leathers** attended the IFF but he did not appear at the Board meeting in person or by counsel or by any other qualified representative. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Keith Leathers** violated the following sections of its **May 1, 1999 Regulations**: **Count 1**: 18 VAC 50-22-260(B)(8); **Count 2**: 18 VAC 50-22-260(B)(12). The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Kirby**, seconded by **Mr. Paulette**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-260(B)(8); **\$300.00 plus mandatory completion of Remedial Education. Count 2**: 18 VAC 50-22-260(B)(12) **for a total monetary penalty of \$600.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Hollar recused himself and did not vote. The motion carried.

6 (18)
File
2002-01274
Keith
Leathers &
Sons
Construction

In the matter of File Number 2002-00407, Stephanie Rubino t/a RHMS, Disciplinary Record File, the board reviewed the **Record # 2002-00407**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Ms. Rubino**

6 (19)
File
2002-00407
RHMS

attended the IFF but she did not appear at the Board meeting in person nor by counsel or by any other qualified representative. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Stephanie N Rubino** violated the following sections of its **May 1, 1999 Regulations**: **Count 1**: 18 VAC 50-22-260(B)(1) to wit: Section 54.1-1103 of the Code of Virginia; **Count 2**: 18 VAC 50-22-230(A); **Count 3**: 18 VAC 50-22-260(B)(8); **Count 4**: 18 VAC 50-22-260(B)(6); **Count 5**: 18 VAC 50-22-260(B)(12). The motion passed with a unanimous vote. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Orange**, the board voted to accept the recommendation with an amendment for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-260(B)(1); **\$5000.00** **Count 2**: 18 VAC 50-22-230(A); **\$100.00** **Count 3**: 18 VAC 50-22-260(B)(8) **\$100.00**; **Count 4**: 18 VAC 50-22-260(B)(6) **\$100.00** **Count 5**: 18 VAC 50-22-260(B)(12) **\$2,500.00 (increased from \$500.00 due to the severity of the violation and non payment of the money owed to the complainant for a total monetary penalty of \$3,300.00)**. The motion failed with a **"no"** vote of 1, Mr. Kirby and a **"yes"** vote of 6. Those members voting **"Yes"** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion was restated by **Mr. Redifer** and seconded by **Mr. Falwell**. The motion carried with a unanimous vote by: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Paulette and Mr. Redifer**. Mr. Hollar recused himself and did not vote. The motion carried.

In the matter of File Number 2001-02956, Engin Elitok t/a Potomac Custom Homes Disciplinary Record File, the board reviewed the **Record # 2001-02956**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Engin Elitok** did not attend the IFF nor the Board meeting in person nor by counsel or by any other qualified representative. Martin A Yeager, counsel for Engin Elitok notified the Board and requested a continuance November 26, 2002 from the Board's December 4, 2002 meeting to a later date, he requested an additional continuance from the July 9, 2003 Board Meeting to another date. **Mr. Kinser** recused himself and did not vote and Mr. Paulette chaired this case. Upon a motion by **Mr. Redifer**, seconded by **Mr. Falwell**, the board voted to deny the request for a continuance and accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Engin Elitok** violated the following sections of its **1999 Regulations**: **Count 1**: 18 VAC 50-22-230(A); **Count 2**: 18 VAC 50-22-260(B)(8); **Count 3**: 18 VAC 50-22-260(B)(5); **Count 4**: 18 VAC 50-22-260(B)(12)(failure to

6 (22)
File
2001-02956
Potomac
Custom
Homes

complete work contracted for). The motion passed with a unanimous vote. Those members voting **“Yes”** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Falwell**, seconded by **Mr. Redifer**, the board voted to accept the recommendation with an amendment for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-230(A); **\$2,500.00** **Count 2**: 18 VAC 50-22-260(B)(8); **\$500.00** **Count 3**: 18 VAC 50-22-260(B)(5) **\$2,500.00**; **Count 4**: 18 VAC 50-22-260(B)(12) **\$2,500.00** **Count 5**: 18 VAC 50-22-260(B)(12) **\$2,500.00** (the Board imposes license revocation for Counts 3 and 4 for a total monetary penalty of **\$8,000.00**). The motion passed with a **unanimous vote**. Those members voting **“Yes”** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried with a unanimous vote by: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Kirby, Mr. Hollar, Mr. Paulette and Mr. Redifer**. Mr. Kinser recused himself and did not vote. Ms. Wood abstained. The motion carried.

In the matter of File Number 2003-02546, Susanna Alexandra Fillman t/a Fillman’s Concrete Construction Disciplinary Record File, the board reviewed the **Record # 2003-02546**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Ms. Fillman did not** attend the IFF nor the Board meeting in person nor by counsel or by any other qualified representative. **Mr. Kinser** recused himself and did not vote and Mr. Paulette chaired this case. Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Susanna Alexandra Fillman** violated the following sections of its **Regulations**: **Count 1**: 18 VAC 50-22-260(B)(6); **Count 2**: 18 VAC 50-22-260(B)(8). The motion passed with a unanimous vote. Those members voting **“Yes”** were: Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, 18 VAC 50-22-260(B)(6); **\$1,000.00 and license revocation**. **Count 2**: 18 VAC 50-22-260(B)(8); **\$500.00 for a total monetary penalty of \$1,500.00**. The motion passed with a **unanimous vote**. The motion carried with a unanimous vote. Those members voting **“Yes”** were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer**. Ms. Wood abstained. **Mr. Kinser** recused himself and did not vote. Ms. Wood abstained. The motion carried.

6 (25)
File
2003-02546
Fillman’s
Concrete
Construction

In the matter of File Number 2003-02804, Ronnie B Riggins t/a Riggins Home Improvement Class C License Application the board reviewed the record which consisted of the **Licensing Record # 2003-02804**, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Ronnie B Riggins** attended the IFF but did not attend the Board meeting. **Mr. Kinser** recused himself and did not vote. **Mr. Paulette** chaired this case. Upon a motion by **Mr. Falwell** and seconded by **Mr. Kirby** the Board adopted the hearing officer's recommendation and granted a **Class C** license to **Mr. Riggins**. The motion passed with a unanimous vote. Members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, Mr. Hollar and Mr. Redifer**. **Ms. Wood** abstained. The motion carried.

6 (23)
File
2003-02804
Riggins
Home
Improvement

In the matter of File Number 2002-01211, Fetterolfs Well Drilling LLC t/a Fetterolfs Well Drilling LLC, Disciplinary Record File, the board reviewed the **Record # 2002-01211**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Fetterolfs Well Drilling LLC** did not appear at the IFF nor Board meeting in person or by counsel nor by any other qualified representative. **Mr. Kinser** recused himself and did not vote and **Mr. Paulette** chaired this case. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Fetterolfs Well Drilling LLC** violated the following sections of its **May 1, 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(8); Count 2: 18 VAC 50-22-210(B)(3); Count 3: 18 VAC 50-22-260(B)(12)** The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer**. **Ms. Wood** abstained. The motion carried. Upon a motion by **Mr. Kirby**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-260(B)(8); \$1,00.00 Count 2: 18 VAC 50-22-210(B)(3); \$500.00. Count 3: 18 VAC 50-22-260(B)(12) \$2,500.00. plus the imposition of license revocation for a total monetary penalty of \$4,000.00.** The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer**. **Ms. Wood** abstained. **Mr. Kinser** remained recused and did not vote. The motion carried.

6 (26)
File
2002-01211
Fetterolfs
Well Drilling
LLC

In the matter of File Number 2003-00397, Michael J Goodrow LLC t/a Goodrow Tile and Carpentry, Disciplinary Record File, the board reviewed the **Record # 2003-00397**, which consisted of the investigative

6 (28)
File
2003-00397

file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Michael Oprysko (complainant) did not attend** the Board's meeting nor the IFF. **Goodrow Tile and Carpentry** did not appear at the IFF nor Board meeting in person or by counsel or by any other qualified representative. **Mr. Kinser** recused himself and did not vote and **Mr. Paulette** chaired this case. Upon a motion by **Mr. Redifer**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Michael Goodrow** violated the following sections of its **September 1, 2001 Regulations: Count 1:** 18 VAC 50-22-260(B)(9); **Count 2:** 18 VAC 50-22-260(B)(15); **Count 3:** 18 VAC 50-22-260(B)(13) **Count 4** 18 VAC 50-22-230(B) The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1,** 18 VAC 50-22-260(B)(9); **\$350.00 Count 2:** 18 VAC 50-22-260(B)(15); **\$2,500.00, plus the imposition of license revocation; Count 3:** 18 VAC 50-22-260(B)(13) **\$1,000.00. Count 4** 18 VAC 50-22-230(B) **\$500.00 for a total monetary penalty of \$4,300.00.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained. Mr. Kinser** remained recused and did not vote. The motion carried.

**Goodrow Tile
and
Carpentry**

In the matter of File Number 2003-0463, Exterior Concepts Of VA t/a Exterior Concepts Of VA, Disciplinary Record File, the board reviewed the **Record # 2003-0463**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Ms. Judy Aldridge (complainant) did not attend** the Board's meeting nor the IFF. **Exterior Concepts of Virginia** did not appear at the IFF nor Board meeting in person or by counsel or by any other qualified representative. **Mr. Kinser** recused himself and did not vote and **Mr. Paulette** chaired this case. Upon a motion by **Mr. Kirby**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Exterior Concepts Of Virginia** violated the following sections of its **May 1, 1999 Regulations: Count 1:** 18 VAC 50-22-260(B)(6); (failure to provide a warranty) **Count 2:** 18 VAC 50-22-260(B)(6); (improper installation of tile). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Kirby**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the

**6 (29)
File
2003-00463
Exterior
Concepts**

sanctions as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-260(B)(6); \$1,000.00 Count 2: 18 VAC 50-22-260(B)(6); \$2,500.00. plus the imposition of license revocation for a total monetary penalty of \$3,500.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer.** **Ms. Wood abstained.** **Mr. Kinser** remained recused and did not vote. The motion carried.

In the matter of File Number 2003-00172, Fox-Seko Construction, Inc. t/a Fox-Seko Construction Inc., Disciplinary Record File, the board reviewed the **Record # 2003-00172,** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Alex DeBoissiere (complainant) did not attend** the Board's meeting but they attended the IFF. **Fox-Seko Construction, Inc** did not appear at the IFF nor Board meeting in person or by counsel or by any other qualified representative. **Mr. Kinser** recused himself and did not vote and **Mr. Paulette** chaired this case. **Mr. Hart** abstained from voting. Upon a motion by **Mr. Kirby**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Fox-Seko Construction, Inc.** violated the following sections of its **May 1, 1999 Regulations: Count 1: 18 VAC 50-22-260(B)(5); Count 2: 18 VAC 50-22-260(B)(12).** The motion passed with a unanimous vote. Those members voting “Yes” were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer.** **Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1, 18 VAC 50-22-260(B)(5); \$2,500.00; Count 2: 18 VAC 50-22-260(B)(12); \$2,500.00. plus the imposition of license revocation for Counts 1 and 2 for a total monetary penalty of \$5,000.00.** The motion passed with a unanimous vote. Those members voting “Yes” were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Paulette, and Mr. Redifer.** **Ms. Wood abstained.** **Mr. Kinser** remained recused and did not vote. The motion carried.

6 (30)
File
2003-00172
Fox-Seko
Construct-
ion, Inc

In the matter of File Number 2003-03236, Paul R Ward, Jr., Inc. t/a Nottoway Custom Fencing, Disciplinary Record File, the board reviewed the **Record # 2003-03236,** which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Paul R Ward** appeared at the IFF but he did attend the Board meeting in person with counsel on May 28, 2003 and the Board voted to

6 (31)
File
2003-03236
Nottoway
Custom
Fencing

defer the file for consideration July 9, 2003. Mr. Levitt nor Mr. Ward attended the July 9 Board meeting. **Mr. Kinser** resumed chairing. **Mr. McDowell was absent and did not vote.** Upon a motion by **Mr. Hart**, seconded by **Mr. Redifer**, the board voted to accept the recommendation for the violations as follows: The Board finds clear and convincing evidence that **Nottoway Custom Homes** violated the following: **Count 1:** Section 54.1-1110 of the Code of Virginia The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Redifer** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1**, Section 54.1-1110 of the Code of Virginia the Board **imposes license revocation.** The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Paulette, and Mr. Redifer. Ms. Wood abstained.** The motion carried.

In the matter of File Number 2002-02951, Larry R Holmes, Jr., t/a Pro Siding CO, Disciplinary Record File, the board reviewed the **Record # 2002-02951**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Larry R Holmes, Jr. did not** appear at the IFF nor did attend the Board meeting in person with counsel nor any other representative. **Mr. Redifer recused himself and did not vote.** Upon a motion by **Mr. Orange**, seconded by **Mr. Kirby**, the board voted to accept the recommendation for the violations of the following sections of its 1999 and 2001 Regulations as follows: The Board finds clear and convincing evidence that **Larry R Holmes Jr.** violated the following: **Count 1:** 18 VAC 50-22-260(B)(12)(Effective May 1, 1999), **Count 2:** 18VAC 50-22-260(B)(12)(Effective May 1, 1999), **count 3** 18VAC 50-22-260(B)(21)(Effective May 1, 1999) **Count 4** 18VAC 50-22-260-(B)(13)(Effective September 1, 2001). The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, and Mr. Paulette. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(12)(Effective May 1, 1999); **\$1,500.00 Count 2:** 18VAC 50-22-260(B)(12)(Effective May 1, 1999); **\$2,500.00 Count 3** 18VAC 50-22-260(B)(21)(Effective May 1, 1999); **\$1,000.00 Count 4** 18VAC 50-22-260-(B)(13)(Effective September 1, 2001); **\$500.00.** The motion passed with a unanimous vote. Those members voting **"Yes"** were: **Mr. Falwell, Mr. Orange, Mr.**

6 (37)
File
2002-02951
Pro Siding
CO

Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, and Mr. Paulette. Ms. Wood abstained. The motion carried.

In the matter of File Number 2003-02498, Mario Blanco t/a Mario Blanco Construction CO INC, Application for Class A Contractor's License the board reviewed the record # **2003-02498** which consisted of the **Licensing Record # 2003-02456**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Mario Blanco attended the IFF meeting. **Mr. Redifer** recused himself and did not vote. Upon a motion by **Mr. Orange** and seconded by **Mr. Kirby** the Board adopted the hearing officer's recommendation and granted a Contractor's license to Mr. Blanco. The motion passed with a unanimous vote. Members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Hollar, Mr. Kirby, Mr. Kinser, and Mr. Paulette. Ms. Wood abstained.** The motion carried.

6 (39)
File
2003-02498
Mario Blanco
Construction
CO INC

In the matter of File Number 2003-01676, Robert A Dickinson t/a Dickinson Decks, Disciplinary Record File, the board reviewed the **Record # 2003-01676**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Robert A Dickinson did not** appear at the IFF nor did he attend the Board meeting in person with counsel nor any other representative. **Mr. Redifer recused himself and did not vote.** Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations of the following sections of its 1999 and 2001 Regulations as follows: The Board finds clear and convincing evidence that **Robert A Dickinson** violated the following: **Count 1:** 18 VAC 50-22-260(B)(8), **Count 2:** 18VAC 50-22-260(B)(12), **Count 3** 18VAC 50-22-260(B)(12) **Count 4** 18VAC 50-22-260-(B)(6) **Count 5** 18 VAC 50-22-230(B); **Count 6** 18 VAC50-22-260(B)(13). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, and Mr. Paulette. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8), \$350.00 **Count 2:** 18VAC 50-22-260(B)(12), \$1,500.00 **Count 3** 18VAC 50-22-260(B)(12) \$2,000.00 **Count 4** 18VAC 50-22-260-(B)(6) \$500.00 **Count 5** 18 VAC 50-22-230(B); \$250.00 **Count 6** 18 VAC50-22-260(B)(13) \$1,000.00 **for a total monetary penalty of \$5,600.00 and license revocation for Counts 2 and 3. The Board also imposes completion of Remedial Education within six months of the order date.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr.**

6 (40)
File
2003-01676
Dickinson
Decks

Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, and Mr. Paulette. Ms. Wood abstained. The motion carried.

In the matter of File Number 2002-01796, Mertie M Honaker t/a CDR Construction, Disciplinary Record File, the board reviewed the Record # 2002-01796, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Mertie M Honaker did not appear at the IFF nor did he attend the Board meeting in person with counsel nor by any other representative. Mr. Harris was absent and did not vote. Upon a motion by Mr. Orange, seconded by Mr. Falwell, the board voted to accept the recommendation for the violations of the following sections of its 1999 and 2001 Regulations as follows: The Board finds clear and convincing evidence that Mertie M Honaker violated the following: Count 1: 18 VAC 50-22-260(B)(1) to wit: Section 54.1-1103 of the Code of Virginia (Effective May 1, 1999), Count 2: 18VAC 50-22-260(B)(8) (Effective May 1, 1999), Count 3 18VAC 50-22-260(B)(Effective September 1, 2001); Count 4 18VAC 50-22-260-(B)(16) (Effective September 1, 2001); Count 5 18 VAC 50-22-230(B)(12)(Effective September 1, 2001); Count 6 18 VAC50-22-260(B)(13)(Effective September 1, 2001). The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Ms. Wood abstained. The motion carried. Upon a motion by Mr. Orange, seconded by Mr. Hart the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: Count 1: 18 VAC 50-22-260(B)(1), \$250.00 Count 2: 18VAC 50-22-260(B)(8), \$250.00 Count 3 18VAC 50-22-260(B) \$200.00 Count 4 18VAC 50-22-260-(B)(16) \$1,000.00 Count 5 18 VAC 50-22-230(B); \$300.00 Count 6 18 VAC50-22-260(B)(13) \$300.00 for a total monetary penalty of \$2,300.00. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Ms. Wood abstained. The motion carried.

**6 (3)
File
2002-01796
CDR
Construction**

In the matter of File Number 2003-00182, Michael A Grey t/a MR. Mike, Disciplinary Record File, the board reviewed the Record # 2003-00182, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. Michael A Grey did not appear at the IFF nor did he attend the Board meeting in person with counsel nor by any other representative. Mr. Harris was absent and did not vote. Upon a motion by Mr. Orange, seconded by Mr.

**6 (6)
File
2003-00182
MR. Mike**

Falwell, the board voted to accept the recommendation for the violations of the following sections of its 2001 Regulations as follows: The Board finds clear and convincing evidence that **Michael A Grey** violated the following: **Count 1:** 18 VAC 50-22-230(A), **Count 2:** 18VAC 50-22-260(B)(4), **Count 3** 18VAC 50-22-260(B)(9); **Count 4** 18VAC 50-22-260-(B)(15); **Count 5** 18 VAC 50-22-230(B)(16). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-230(A), **\$500.00** **Count 2:** 18VAC 50-22-260(B)(4), **\$500.00** **Count 3** 18VAC 50-22-260(B)(9) **\$250.00** **Count 4** 18VAC 50-22-260(B)(15) **\$500.00** **Count 5** 18 VAC 50-22-260(B)(16); **\$1,000.00** and license revocation for counts 4 and 5 for a total monetary penalty of **\$2,750.00**. The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Ms. Wood abstained.** The motion carried.

In the matter of File Number 2003-00180, **Michael Pickett t/a Contracting Unlimited, Disciplinary Record File**, the board reviewed the **Record # 2003-00180**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Michael Pickett** did appear at the IFF but he did not attend the Board meeting in person with counsel nor by any other representative. **Mr. Harris was absent and did not vote.** Upon a motion by **Mr. Orange**, seconded by **Mr. Falwell**, the board voted to accept the recommendation for the violations of the following sections of its 2001 Regulations as follows: The Board finds clear and convincing evidence that **Michael Pickett** violated the following: **Count 1:** 18 VAC 50-22-260(B)(8), **Count 2:** 18VAC 50-22-230(A), **Count 3** 18VAC 50-22-260(B)(4); **Count 4** 18VAC 50-22-260-(B)(6); **Count 5** 18 VAC 50-22-230(B)(12). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette. Ms. Wood abstained.** The motion carried. Upon a motion by **Mr. Orange**, seconded by **Mr. Hart** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8), **\$250.00** **Count 2:** 18VAC 50-22-230(A), **\$350.00** **Count 3** 18VAC 50-22-260(B)(4) **\$500.00** **Count 4** 18VAC 50-22-260(B)(6) **\$500.00** **Count 5** 18 VAC 50-22-260(B)(12); **\$250.00** for a total monetary penalty of **\$1,850.00**. The Board imposes

6 (7)
File
2003-00180
Contract-ing
Unlimited

mandatory completion of remedial education within six months of the order and then count 1's fee of \$250.00 will be waived when successful proof of completion is provided. The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette.** Ms. Wood abstained. The motion carried.

In the matter of File Number 2001-00818, Plumb Perfect Plumbing, Inc. t/a Plumb Perfect Plumbing, Inc., Disciplinary Record File, the board reviewed the **Record # 2001-00818**, which consisted of the investigative file, transcript, exhibits from the IFF, and the presiding board member's summary. **Plumb Perfect Plumbing, Inc. did not** appear at the IFF but he did not attend the Board meeting in person with counsel nor by any other representative. **Mr. Harris was absent and did not vote.** Upon a motion by **Mr. Redifer**, seconded by **Mr. Orange**, the board voted to accept the recommendation for the violations of the following sections of its May 1, 1999 Regulations as follows: The Board finds clear and convincing evidence that **Plumb Perfect Plumbing, Inc.** violated the following: **Count 1:** 18 VAC 50-22-260(B)(8), **Count 2:** 18VAC 50-22-260(B)(23), **Count 3** 18VAC 50-22-260(B)(18); **Count 4** 18VAC 50-22-260(B)(19). The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette.** Ms. Wood abstained. The motion carried. Upon a motion by **Mr. Redifer**, seconded by **Mr. Hart** the board voted to accept the recommendation for the sanctions as follows: The Board imposed the following sanctions: **Count 1:** 18 VAC 50-22-260(B)(8), **\$1,000.00** **Count 2:** 18VAC 50-22-260(B)(23), **\$1,000.00** **Count 3** 18VAC 50-22-260(B)(18) **license revocation;** **Count 4** 18VAC 50-22-260(B)(19) **\$1,000.00 for a total monetary penalty of \$3,000.00.** The motion passed with a unanimous vote. Those members voting "Yes" were: **Mr. Falwell, Mr. Orange, Mr. Hollar, Mr. Kirby, Mr. Kinser, Mr. Hart, Mr. Redifer and Mr. Paulette.** Ms. Wood abstained. The motion carried.

6 (8)
File
2001-00818
Plumb
Perfect
Plumbing,
Inc.

In the matter of File Number 2003-02704, Shawn Michael Chavez t/a Mike Chavez Masonry, Application for Class C Contractor's License the board reviewed the record which consisted of the **Licensing Record # 2003-02704**, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Shawn Michael Chavez** attended the IFF meeting. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Orange** and seconded by **Mr. Redifer** the Board adopted the hearing officer's recommendation and granted a Contractor's license to **Mr.**

6 (9)
File
2003-02704
Mike Chavez
Masonry

Chavez The motion passed with a unanimous vote. Members voting “Yes” were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Redifer, Mr. Kirby, Mr. Kinser, and Mr. Paulette.** **Ms. Wood abstained.** The motion carried.

In the matter of File Number 2003-02691, Archie Graham, III Application for Tradesman License the board reviewed the record which consisted of the **Licensing Record # 2003-02691**, transcript, exhibits from the IFF, and the presiding board member's summary. **Mr. Archie Graham, III** attended the IFF meeting. **Mr. Hollar** recused himself and did not vote. Upon a motion by **Mr. Orange** and seconded by **Mr. Hart** the Board adopted the hearing officer's recommendation and granted a Tradesman license to **Mr. Graham.** The motion passed with a unanimous vote. Members voting “Yes” were: **Mr. Falwell, Mr. Orange, Mr. Hart, Mr. Redifer, Mr. Kirby, Mr. Kinser, and Mr. Paulette.** **Ms. Wood abstained.** The motion carried.

6 (11)
File
2003-02691
Archie
Graham, III

In the matter of File Number 2003-00553, Anderson Well Drilling Inc t/a Anderson Well Drilling Inc, Consent Order File, the board reviewed the file which consisted of the consent order #2003-0160. **Anderson Well Drilling Inc** did appear at the IFF but did not attend the Board meeting. **Mr. Falwell** recused himself and did not vote. Upon a motion offered by **Mr. Redifer** seconded by **Mr. Hart,** the Board ratified the Consent Order as follows: **for Count 1 for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(9); \$250.00. for a total of \$250.00 hereby imposed. Anderson Well Drilling Inc acknowledges that the penalty must be paid within thirty days of the order or Anderson Well Drilling Inc license will be suspended. The motion passed with a unanimous vote.** Members voting were: **Mr. Hart, Mr. Redifer, Mr. Kinser, Mr. Orange, Mr. Paulette, Mr. Kirby and Mr. Hollar.** **Ms. Wood abstained.**

7 (1)
File
2003-00553
Anderson
Well Drilling
Inc

In the matter of File Number 2003-00257, Coastal Cottages & Cabinets Inc. t/a Coastal Cottages & Cabinets, Inc. Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0177. **David Englehart of Coastal Cottages & Cabinets, Inc.** did appear at the IFF. Upon a motion by **Mr. Redifer** seconded by **Mr. Orange** the Board ratified the Consent order as follows: **for Count I, a monetary penalty of \$200 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(9) The penalty will be waived if David**

7 (2)
File
2003-00257
Coastal
Cottages &
Cabinets Inc.

Englehart successfully completes remedial education within six months of the effective date of the Consent Order; Count II, a monetary penalty of \$200. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-230(B); Count III, a monetary penalty of \$300. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-210(3); count IV, a monetary penalty of \$500.00 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(15); Count V, a monetary penalty of \$1,000. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(16); Count VI, a monetary penalty of \$100.00 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(13); Count VII, a monetary penalty of \$100.00 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(12) for a total of \$2,400. hereby imposed. **Coastal Cottages & Cabinets, Inc** acknowledges that the penalty must be paid within thirty days of the order or **Coastal Cottages & Cabinets, Inc** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Kinser, Mr. Orange, Mr. Paulette, Mr. Kirby and Mr. Hollar. Ms. Wood abstained.

In the matter of File Number 2003-00027, Lambert's Renovation & Design t/a Lambert's Renovation & Design Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0179. Michael Lambert of **Lambert's Renovation & Design**. did appear at the IFF. **Mr. Kinser recused himself and did not vote.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$500 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(9); Count II, a monetary penalty of \$500. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(6); Count III, a monetary penalty of \$500. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(27); Count IV, a monetary penalty of \$500.00 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(27); Count V, a monetary penalty of \$500. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(27) for a total of \$2,500. hereby imposed. **Lambert's Renovation & Design** acknowledges that the penalty must be paid within thirty days of the order or **Lambert's Renovation & Design** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby and Mr. Hollar. Ms. Wood abstained.

7 (3)
File
2003-00027
Lambert's
Renovation &
Design

In the matter of File Number 2003-01683, Fred H Mosser, Jr. t/a F & M Drywall Home Improvement Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0180. Fred Mosser of **F & M Drywall Home Improvement**. did appear at the IFF. **Mr. Kinser recused himself and did not vote.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$100 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(2); Count II, violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(22); Count III, a monetary penalty of \$100. for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(23) and remedial education; Count IV, a monetary penalty of \$300.00 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(28) two counts; for a total of **\$500.** hereby imposed. **F & M Drywall Home Improvement** acknowledges that the penalty must be paid within thirty days of the order or **F & M Drywall Home Improvement** license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby and Mr. Hollar. Ms. Wood abstained.

7 (4)
File
2003-01683
F & M
Drywall
Home
Improvement

In the matter of File Number 2002-03050, MRYB Wiggs Inc. t/a Handyman Connection Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0166.. **Mr. McDowell was absent and did not vote.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of \$250 for violation of the Board's September 1, 2001 Regulation 18 VAC 50-22-260(B)(9); Count II, violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(29) mandatory completion of Remedial Education; for a total of **\$250.** hereby imposed. **Handyman Connection** acknowledges that the penalty must be paid within thirty days of the order or **Handyman Connection** license will be suspended. MRYB acknowledges that its Class B Contractor's License number expires on September 30, 2004. They agree to a two year suspension from the date of the entry of this order. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

7 (5)
File
2002-03050
Handyman
Connection

In the matter of File Number 2002-01894, Matthew J Pivarnik t/a Pivarnik Builders Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0148. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of

7 (6)
File
2002-01894
Pivarnik
Builders

\$250 for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(6)** and Remedial Education; for a total of **\$250..** hereby imposed. **Pivarnik Builders** acknowledges that the penalty must be paid within thirty days of the order or **Pivarnik Builders** license will be suspended. Remedial Education must be completed within six months of the date of the entry of the order. The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

In the matter of File Number 2002-01895, Matthew J Pivarnik t/a Pivarnik Builders Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0149. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of **\$250** for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(6)** and Remedial Education; for a total of **\$250..** hereby imposed. **Pivarnik Builders** acknowledges that the penalty must be paid within thirty days of the order or **Pivarnik Builders** license will be suspended. Remedial Education must be completed within six months of the date of the entry of the order. The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

7 (7)
File
2002-01895
Pivarnik
Builders

In the matter of File Number 2002-02067, Larry V Davis t/a Davis Construction & Remodeling Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0170. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of **\$100** for violation of the Board's **1999 Regulation 18 VAC 50-22-260(B)(8)**; Count II, a monetary penalty of **\$250.** for violation of the Board's **1999 Regulation 18 VAC 50-22-230(A)** and Remedial Education; also on Count 1, a monetary penalty of **\$250.** for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(31)** for a total of **\$600..** hereby imposed. **Davis Construction & Remodeling** acknowledges that the penalty must be paid within thirty days of the order or **Davis Construction & Remodeling** license will be suspended. Remedial Education must be completed within six months of the date of the entry of the order. The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms.

7 (8)
File
2002-02067
Davis
Construction
&
Remodeling

Wood abstained.

In the matter of File Number 2002-02549, Todd F Ramsey t/a Ramsey Home Improvements Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0171. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of **\$250** for violation of the Board's **1999 Regulation 18 VAC 50-22-260(B)(8)**; Count II, Remedial Education for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(31)** for a total of **\$250..** hereby imposed. **Ramsey Home Improvements** acknowledges that the penalty must be paid within thirty days of the order or **Ramsey Home Improvements** license will be suspended. Remedial Education must be completed within six months of the date of the entry of the order. The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

7 (9)
File
2002-02549
Ramsey
Home
Improve-
ments

In the matter of File Number 2003-00359, David G Moore t/a Regional Roofing & Home Repair Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0169. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of **\$500.** for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(6)**; Count I, no monetary penalty for violation of the Board's **2001 Regulation 18 VAC 50-22-230(B)** for a total of **\$500..** hereby imposed. **Regional Roofing & Home Repair** acknowledges that the penalty must be paid within thirty days of the order or **Ramsey Home Improvements** license will be suspended. Remedial Education must be completed within six months of the date of the entry of the order. The motion passed with a unanimous vote. Members voting **"Yes"** were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

7 (10)
File
2003-00359
Regional
Roofing &
Home Repair

In the matter of File Number 2003-00366, Thomas W Horner t/a Watch Dog Electric Company Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0173. **There was no IFF.** Upon a motion by **Mr. Paulette** seconded by **Mr. Falwell** the Board ratified the Consent order as follows: for Count I, a monetary penalty of **\$500.** for violation of the Board's **2001 Regulation 18 VAC 50-22-260(B)(22)**; Count I, no monetary penalty for violation of the Board's **2001 Regulation 18 VAC 50-22-230(B)** voluntary revocation of Class B Contractor's license number 2705037564. The motion passed

7 (11)
File
2003-00366
Watch Dog
Electric
Company

with a unanimous vote. Members voting “Yes” were Mr. Hart, Mr. Redifer, Mr. Falwell, Mr. Orange, Mr. Paulette, Mr. Kirby, Mr. Kinser and Mr. Hollar. Ms. Wood abstained.

The Board reviewed the recommendation of proposed amendments to the Contractor Regulations made by the Tradesman, Education and Regulatory Review Committee. A motion was offered by Mr. Paulette and seconded by Mr. Falwell to adopt the regulations and delete prohibited act #32 from 18 VAC 50-22-260(B), referencing “tradesman on the jobsite.” Mr. Orange offered an amendment to the motion to delete “on the jobsite” from the original motion. Mr. Orange’s motion failed for lack of a second. After additional discussion the Board voted to approve the original motion with a vote of 5 “YES”, Falwell, Wood, Hollar, Paulette and Kirby and 4 “NO”, Orange, Redifer, Kinser and Hart.

**Regulatory
Review**

Mr. Olson presented the Remedial Education Report prepared by the Examination Section of the Agency and reminded them they each had a copy for their records.

**Remedial
Education
Report**

The Board reviewed the Recovery Fund Statements for April and May of 2003.

**Recovery
Fund
Statements**

Mr. Redifer requested that the Board make a formal request to the Building Code Academy Advisory Committee requesting that a member of the Board for Contractors be included as sitting member. After discussion; Mr. Redifer offered a motion, seconded by Mr. Paulette, to request staff send correspondence to Mr. Bill Shelton, Director of DHCD, requesting an appointment of formal position of representation with the Advisory Committee. The vote was unanimous and the motion carried. Members voting yes were: Wood, Kinser, Kirby, Hart, Hollar, Falwell, Redifer, Orange, and Paulette.

New Business

Mr. Olson discussed the Board’s representation on the Underground Utility Advisory Board (Miss Utility). § 54.1-265.31 provides for a member of the Board for Contractors to serve on this advisory board. Former Board Member David Ward had been fulfilling that obligation until earlier this year. Mr. Olson requested that the Board appoint another representative to serve in this capacity. After discussion, Mr. Paulette

offered a motion seconded by Mr. Kirby to see if we can request to replace Mr. Ward with a floating member instead of a single member being assigned on a permanent basis. The motion carried with a unanimous vote. Those voting "YES" were: Paulette, Wood, Kinser, Kirby, Hart, Hollar, Falwell, Redifer and Orange.

Chairman Kinser reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Completion
of Paperwork**

Their being no further business to come before the board, the meeting was adjourned upon a motion by Mr. Redifer and seconded by Mr. Hart. The vote was unanimous. Members voting yes were, Mr. Hart, Ms. Wood, Mr. Hollar, Mr. Falwell, Mr. Kirby, Mr. Kinser, Mr. Orange, Mr. Paulette and Mr. Redifer at 2:05 p.m.

Adjournment

Mark D. Kinser, Chairman

Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record